

## Section 4 – Overview and Scrutiny Functions & Terms of Reference

### 1. OVERVIEW AND SCRUTINY COMMITTEES

1.1 The Council has appointed the following Overview and Scrutiny Committees to carry out those functions under Sections 9F to 9FI of the Local Government Act 2000, as amended by:

- (a) Section 19 of the Police and Justice Act 2006 in relation to the scrutiny of crime and disorder matters;
- (b) Section 244 of the Health & Social Care Act 2012 in relation to health matters; and
- (c) Section 22 of the Flood Risk Management Act 2010 in relation to flood risk management.

### 2. TERMS OF REFERENCE

2.1 Council has established the following Scrutiny Committees and they shall have responsibility for overview and scrutiny in relation to the matters set out below:

|           |  |  |
|-----------|--|--|
| <b>1.</b> | <b>Children and Education Scrutiny Committee</b>   |  |
|           | <b>No of Elected Members appointed by Council:</b><br><br>Eleven, none of whom may be a Cabinet Member.  | <b>Chairman and Vice-Chairman</b><br><br>Appointed by Council.   |
|           | <b>Quorum:</b><br><br>At least half the Members of the Committee (including voting co-opted members).  | <b>Co-opted Members to be appointed by the Committee/Council</b><br><br>Four representatives as follows with full voting and call-in rights on education matters only:<br>(a) 1 Church of England Diocese representative;<br>(b) 1 Roman Catholic Diocese representative; and<br>(c) 2 parent governor representatives.<br><br>No more than four non-voting members. |
|           | <b>Functions determined by Council</b><br><br>1. Children's Services including<br><ul style="list-style-type: none"> <li>a) Social Care of Children;</li> <li>b) Safeguarding; and</li> <li>c) Children's Health.</li> <li>d) Targeted Youth Support (including youth offending).</li> </ul><br>2. Education, including<br><ul style="list-style-type: none"> <li>a) University and Higher Education;</li> <li>b) Careers; and</li> <li>c) Special Needs and Inclusion;</li> </ul> |  |
|           | <b>Functions determined by Statute</b>   |  |

|  |  |
|--|--|
|  | All powers of an Overview and Scrutiny Committee as set out in Sections 9F to 9FI Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent regulations. |
|--|--|

|           |  |   |
|-----------|--|---|
| <b>2.</b> | <b>Communities Scrutiny Committee</b>  |   |
|           | <b>No of Elected Members appointed by Council:</b><br><br>Eleven, none of whom may be a Cabinet Member.  | <b>Chairman and Vice-Chairman</b><br><br>Appointed by Council.  |
|           | <b>Quorum:</b><br><br>At least half the Members of the Committee.  | <b>Co-opted Members to be appointed by the Committee/Council</b><br><br>No more than four non-voting members. |
|           | <b>Functions determined by the Council</b><br><br><ol style="list-style-type: none"> <li>1. Housing need (including homelessness, housing options and selective licensing);</li> <li>2. Neighbourhood and Community Support (including cohesion and community safety);</li> <li>3. Equalities;</li> <li>4. Libraries, Arts and Museums;</li> <li>5. Tourism, Culture &amp; Recreation;</li> <li>6. Adult Learning and Skills;</li> </ol> |   |
|           | <b>Functions determined by Statute</b><br><br>To review and scrutinise crime and disorder matters, including acting as the Council's crime and disorder committee in accordance with Sections 19 of the Police and Justice Act 2006;.  |   |

|           |   |   |
|-----------|---|---|
| <b>3.</b> | <b>Adults and Health Scrutiny Committee</b>   |   |
|           |   |   |
|           | <b>No of Elected Members appointed by Council:</b><br>Eleven, none of whom may be a Cabinet Member or the Health and Wellbeing Board.   | <b>Chairman and Vice-Chairman</b><br><br>Appointed by Council.  |
|           | <b>Quorum:</b><br><br>At least half the Members of the Committee.   | <b>Co-opted Members to be appointed by the Committee/Council</b><br><br>No more than four non-voting members. |
|           | <b>Functions determined by the Council</b><br><br>1. Public Health;<br>2. The Health and Wellbeing including the Health and Wellbeing Board; and<br>3. Scrutiny of the NHS and NHS providers;<br>4. Adult Social Care;<br>5. Safeguarding Adults.   |   |
|           | <b>Functions determined by Statute</b><br><br>To review and scrutinise local authority services under Sections 9F to 9FI Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent regulations<br><br>To review and scrutinise matters relating to the Health Service and to make reports and recommendations to local NHS bodies in accordance with section 244 of the National Health Service Act 2006. This will include establishing joint health committees in relation to health issues that cross local authority boundaries and appointing members from within the membership of the Committee to any joint health overview and scrutiny committees with other local authorities.<br>(Also see The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013) |   |

|           |   |   |
|-----------|---|---|
| <b>4.</b> | <b>Growth, Environment and Resources Scrutiny Committee</b>   |   |
|           |   |   |
|           | <b>No of Elected Members appointed by Council:</b><br>Eleven, none of whom may be a Cabinet Member. | <b>Chairman and Vice-Chairman</b><br><br>Appointed by Council.  |
|           | <b>Quorum:</b><br><br>At least half the Members of the committee.                                   | <b>Co-opted Members to be appointed by the Committee/Council</b><br><br>No more than four non-voting members. |
|           | <b>Functions determined by the Council</b><br><br>1. City Centre Management;                        |   |

|  |  |
|--|--|
|  | <ol style="list-style-type: none"> <li>2. Environmental Capital;</li> <li>3. Economic Development and Regeneration including Strategic Housing and Strategic Planning;</li> <li>4. Transport, Highways and Road Traffic;</li> <li>5. Flood Risk Management;</li> <li>6. Waste Strategy &amp; Management;</li> <li>7. Strategic Financial Planning;</li> <li>8. Partnerships and Shared Services; and</li> <li>9. Digital Services and Information Management.</li> </ol> |
|  |  |
|  | <p><b>Functions determined by Statute</b></p> <p>To review and scrutinise flood risk management in accordance with Section 21F of the Local Government Act 2000 (as amended by the Flood and Water Management Act 2010 and under the Flood Management Overview &amp; Scrutiny (England) Regulations 2011 No. 697).</p>   |
|  |  |

### **3. SPECIFIC ROLE OF OVERVIEW AND SCRUTINY**

3.1 To review and scrutinise the planning, decisions, policy development, service provision and performance within their terms of reference as follows:

#### **POLICY DEVELOPMENT AND REVIEW**

3.2 Within their terms of reference the scrutiny functions will:

- (a) Help the Council and the Executive to develop its budget and policy framework and service Budgets;
- (b) Carry out research into and consultation about policy issues and possible options;
- (c) Consider and promote ways of encouraging the public to take part in developing the Council's policies;
- (d) Question Members of the Cabinet, Committees and senior officers about their views on policy proposals;
- (e) Work with outside organisations in the area to make sure the interests of local people are taken into account;
- (f) Question, and gather evidence from, any person who gives their permission; and
- (g) Monitor and scrutinise the implementation of Council policy.

#### **SCRUTINY**

3.3 The Scrutiny Committees will:

- (a) Review and scrutinise the Executive, Committee and officer decisions and performance in connection with the discharge of any of the Council's functions;
- (b) Review and scrutinise the Council's performance in meeting the aims of its policies and performance targets and/or particular service areas;
- (c) Question Members of the Executive, Committees and senior officers about their decisions and performance of the Council, both generally and in relation to particular decisions or projects;
- (d) Make recommendations to the Executive and the Council as a result of the scrutiny process;
- (e) Question, and gather evidence from any person with their consent;
- (f) Hold the Executive to account for the discharge of functions in the following ways:
  - i. By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or decisions which have been delegated to an officer;
  - ii. By scrutinising Key Decisions which the Executive is planning to take, as set out in the Forward Plan of executive decisions;

- iii. By scrutinising decisions the Executive are planning to make; and
  - iv. By scrutinising Executive decisions after they have been implemented, as part of a wider policy review.
- (g) To consider petitions submitted to it;
- (h) Establish ad-hoc Task and Finish Groups to investigate specific topics on a time-limited basis in accordance with the Scrutiny Committee Procedure Rules; and

## **CRIME AND DISORDER**

- 3.4 The Scrutiny Committee responsible for crime and disorder shall, and any sub committees may:
- (a) Act as the crime and disorder committee within the meaning of Section 19 of the Police and Justice Act 2006;
  - (b) Review or scrutinise decisions made, or other actions taken by bodies or persons responsible for crime and disorder strategies in the Peterborough area;
  - (c) Make reports or recommendations to the local authority on any local crime and disorder matter in relation to a member of the authority; and
  - (d) Consider any crime and disorder matters referred by any Member of the Council.

## **HEALTH ISSUES**

- 3.5 The Scrutiny Committee responsible for health and any sub committees shall undertake their responsibilities under section 244 of the National Health Service Act 2006 as follows:
- (a) May review and scrutinise any matter relating to the planning, provision and operation of the health service in the Peterborough area (including NHS Bodies and other NHS providers);
  - (b) Must invite interested parties to comment on the matter and provide reasonable notice;
  - (c) Take account of relevant information available to it and, in particular, from a Local Healthwatch organisation or representative;
  - (d) Acknowledge any referral within 20 working days and keep the referrer informed of any action taken;
  - (e) Request information about the planning, provision and operation of health services in the area to enable it to carry out its functions;
  - (f) Make reports or recommendations on a matter it has reviewed or scrutinised including;
    - i) An explanation of the matter reviewed or scrutinised;
    - ii) A summary of the evidence considered;
    - iii) A list of the participants involved in the reviews; and
    - iv) An explanation of any recommendations made.
  - (g) Where the Committee asks for a response, the person must respond in writing within 28 days of the request.

- 3.6 The Committee will consider any proposals received from a National Health Service body, Clinical Commissioning Groups or other provider about;
- (a) Any substantial development of the health service in Peterborough; or
  - (b) Any substantial variation to the provision of NHS Services as set out the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 3.7 In considering the proposals, the Committee must take account of the effect or potential effect of the proposals on the sustainability of the Health Service in its areas and may refer proposals to the Secretary of State in certain circumstances.

## **FLOOD RISK MANAGEMENT**

- 3.8 The Scrutiny Committee responsible for flood risk management, and any sub committees shall undertake their responsibilities under the Flood and Water Management Act 2010 as follows:
- (a) May review and scrutinise any matter relating to the planning, provision and operation of the flood risk management in the Peterborough area;
  - (b) May invite those authorities responsible for flood risk management to comment on the matter;
  - (c) Request information from them to enable it to carry out its responsibilities; and
  - (d) Make reports or recommendations and request a response from flood risk management authorities.

## **4. MEMBERSHIP**

- 4.1 All Members, except Members of the Executive, may be a member of a Scrutiny Committee. However, no Member may be involved in scrutinising a decision with which he or she has been directly involved. Members of the Health and Wellbeing Board should not be a member of the Health Scrutiny Committee.
- 4.2 It is advised that Members undertake relevant training within the past three years in order to hold a seat on a Scrutiny Committee.

## **CO-OPTees**

- 4.3 The Scrutiny Committees shall be entitled to co-opt, as non-voting members, up to four external representatives or otherwise invite participation from non-members where this is relevant to their work.
- 4.4 There must be at least one non-voting position reserved for a Parish Councillor from a rural area with one substitute member. The Parish Council Liaison Committee will decide these.
- 4.5 A Scrutiny Committee can co-opt a further three members at its discretion. One of these can be a second parish council member identified by the Parish Council Liaison Committee.
- 4.6 The Children and Education Scrutiny Committee shall include in its membership the following representatives. These representatives will have full voting and call-in rights on education matters only, and when other matters are dealt with they may stay in the meeting and speak:
- (a) 1 Church of England Diocese representative;

- (b) 1 Roman Catholic Diocese representative; and
- (c) 2 parent governor representatives.